



APPLICATION TO CHANGE AN EXISTING NON-IRRIGATION WATER RIGHT

FILING FEE - \$900.00

Use this application to change the point of diversion, place of use, purpose of use, and/or place of storage of an existing non-irrigation water right. Attach additional sheets if necessary. Attachments must be labeled as shown in the sections below.

ADDENDUMS THAT MAY BE NEEDED

- Historical Water Use
- Change to Instream Flow
- Change to Mitigation or Aquifer Recharge
- Change in Purpose
- Change of Salvage Water
- Temporary Change

FILING FEE REDUCTION

If you attend a pre-application meeting with DNRC staff and your application is submitted within 6 months of the meeting date, the filing fee will be reduced to \$700.00. The time period may be extended if measurements or an aquifer test is required.

FOR DEPARTMENT USE ONLY

Application No. _____ Basin _____
 Date Received _____
 Time _____ AM / PM
 Rec'd by _____
 Fee Rec'd \$ _____
 Check No. _____
 Refund \$ _____ Date _____

Applicant Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Phone Numbers Home _____ Work _____ Cell _____
 Email Address _____

Contact Person: ☐ Contact is Applicant ☐ Contact is Consultant ☐ Contact is Attorney

Contact Name _____
 Mailing Address _____ City _____ State _____ Zip _____
 Phone Numbers Home _____ Work _____ Cell _____
 Email Address _____

NOTE: If a contact person is identified as an attorney, all communication will be sent only to the attorney unless the attorney provides written instruction to the contrary. If a contact person is identified as a consultant, employee, or lessee, the individual filing the water right form will receive all correspondence and a copy may be sent to the contact person.

CHANGE APPLICATION INFORMATION

A water right owner who wants to make a change to an existing water right must submit an application to the DNRC. The proposed change cannot create an adverse affect to other existing users who hold water rights that may have an earlier (senior) or later (junior) priority date than the Applicant's. If the application for change is granted, the Applicant's water right will retain its priority date.

A water right is valid if water was actually put to use historically. The water right is limited to the extent of that historical use. A water right cannot exist if it was never used, even if the water right is described on paper.

The information provided to the questions below is required for the Department to begin processing the application. The Department may require additional information during the processing of the application.

For any questions, please contact a Water Resources Division regional office.

Application to Change a Non-Irrigation Water Right

SECTION 1 - APPLICATION DETAILS - ARM 36.12.1901

1.A Check what element(s) of the water right(s) you are proposing to change.

☐ Point of Diversion

☐ Place of Use

☐ Purpose of Use
(complete a *Change in Purpose* addendum)

☐ Place of Storage
(complete a *Change in Storage* addendum)

1.B Provide the following information for the water right(s) you are proposing to change.

Water Right No. & Basin	Current Flow Rate			What is the flow rate needed for the project?			
	Flow Rate	CFS	GPM	Flow Rate	CFS	GPM	

1.C Provide a narrative explaining specific details of the requested change(s) to the water right and why it is being requested.

1.D Yes ☐ No ☐ N/A ☐ Are you proposing to change all of the historic water right(s) associated with the place of use? If not, explain why not.

1.E Identify the water rights used to on the place of use that are not included in this application.

<i>Water Right No. & Basin</i>	<i>Priority Date</i>	<i>Water Right No. & Basin</i>	<i>Priority Date</i>

SECTION 2 - MAP – ARM 36.12.111

Maps depicting the historic and proposed water system are required. Aerial photos may be available from the DNRC, NRIS, NRCS, USGS, and on the Internet and may be available from the 1940s up until today.

2.A ☐ Note the section corners, township, range, and add a north arrow to the map for all maps submitted.

2.B ☐ Historical Use - for each water right being changed, provide a map depicting the historic point(s) of diversion, means of conveyance, place of use, and place of storage. Be sure to identify the water right number on each map.

2.C ☐ Historical Use - if you measure water near the historical point of diversion or place of use, please identify where the measurement occurs.

2.E ☐ Proposed Use - provide a map which clearly identifies the proposed point(s) of diversion, place of use, and place of storage. For partial changes, the map should reflect the entire water right including the proposed change and the remaining historic use.

SECTION 3 - HISTORIC USE - ARM 36.12.1902

For the questions below, describe the historic use of the water right or the current use if a change authorization was previously granted on the water right. The description of the historic use depends on the type of water right being changed. Historic use for a Statement of Claim or for an exempt nonfiled right must be described as it was used prior to July 1, 1973. Historic use for provisional permits and certificates of water right must be described as was used at the filing date of the completion notice.

The historic consumptive use is the amount of water that was diverted from the source minus the amount of water that returns to a water source.

The Department will calculate the diverted volume and the consumptive volume.

Complete the following information for each water right being changed.

- 3.A Describe how the system operated from the point of diversion through the place of use. Include a description of wastewater collection and treatment used, if any.

- 3.B Describe the types of uses (i.e. domestic, stock, irrigation of parks, industrial, commercial, etc.) and the approximate amounts associated with those uses.

- 3.C What has been used to convey the water to the place of use?

Conveyance (ditch/pipeline)	_____	Size	_____	Length	_____
Conveyance (ditch/pipeline)	_____	Size	_____	Length	_____

- 3.D What is your diversion method type and capacity?

Diversion _____ Capacity _____ GPM/CFS

- 3.E How did you determine the capacity?

- 3.E How often do you divert water? _____

- 3.F What is the duration of each diversion? Days/year _____ Hours/day _____

- 3.G If wastewater is discharged, what amount of water is discharged? _____ GPM/CFS

- 3.H Yes ☐ No ☐ Do you measure water near the existing point of diversion or near/at your place of use? If yes, what type of measuring device do you use? _____

- 3.I Yes ☐ No ☐ Do you have water commissioner, water measurement records available, or other documents that support the amount of water you have historically diverted or used? If yes, please submit that information.

3.J Yes ☐ No ☐ Do you supplement your water usage with water from another water right? If yes, explain what water right and how and when it is used to supplement this water right.

SECTION 4 - ADVERSE EFFECT – ARM 36.12.1903

4.A How will all points of diversion be operated in order to not exceed historical diverted flow rate?

4.B. What is your plan to not create an adverse effect to existing water rights, certificates, permits, and water reservations?

4.C When was the last time water was appropriated and used beneficially to the extent identified in your water right? If there has been a period of non-use, explain why the water right was not used, and explain why a resumption of use will not adversely affect other water users.

SECTION 5 - ADEQUATE DIVERSION MEANS AND OPERATION – ARM 36.12.1904

5.A Yes ☐ No ☐ Is the means of diversion a well? If yes, provide a copy of the well log. If the well log is not available, who drilled the well?

5.B Yes ☐ No ☐ Is another agency requiring you to measure your water use? If yes, explain.

5.C Do you have any plans to measure your diversion and use? If yes, please describe the plan and the type of measurements you will take.

5.D For applications that propose new conveyance facilities, provide preliminary design plans and specifications for the proposed diversion and conveyance facilities and the equipment used to put the water to beneficial use.

SECTION 6 GENERAL PROJECT PLAN & PROPOSED COMPLETION PERIOD

6.A How many years will you need to complete this project?

SECTION 7 – AFFIDAVIT & CERTIFICATION – All undivided interest owners must sign as applicants. Read carefully before you sign and review with legal counsel if you have any questions.

I affirm the information provided for this application is to the best of my knowledge true and correct. I also affirm I have possessory interest, or the written consent of the person with the possessory interest, in the property where the water is to be put to beneficial use.

INITIAL ONE OF THE FOLLOWING CERTIFICATIONS.

____ Pursuant to the requirement that I obtain DNRC approval before I may make a change in my point of diversion, place of use, purpose of use or place of storage of a water right, I affirm that as of the date of this application that I am in compliance with Section 85-2-402(1)(a), MCA and that I shall remain in compliance as required by statute through the pendency of this appropriation change application process. By my signature below, I am providing my consent that DNRC may deem my application withdrawn if I become non-compliant with § 85-2-302, MCA, during the application's pendency. The Department must send me written notice that I am not in compliance with the Water Use Act prior to deeming my application withdrawn.

____ I am not in compliance with § 85-2-402(1)(a), MCA as required. I understand that I have 90 days from the date the application is received by the DNRC to become fully compliant. In consideration of the 90-day forbearance by DNRC of any enforcement action for my non-compliance at the time of my application to provide me time to become compliant, by my signature below I am providing my consent that DNRC may deem my application withdrawn if I am not in compliance with the Water Use Act after the expiration of 90 days. The Department must send me written notice that I am not in compliance with the Water Use Act prior to deeming my application withdrawn.

I understand that making a false statement under oath or affirmation in this application and official proceedings throughout the examination of my application may subject me to prosecution under §45-7-202, MCA, a misdemeanor punishable by a jail term not to exceed 6 months or a fine not to exceed \$500, or both. I have read this Affidavit and understand the terms and conditions.

I declare under penalty of perjury and under the laws of the state of Montana that the foregoing is true and correct.

Printed Name _____

Applicant Signature _____

Date: _____

Printed Name _____

Applicant Signature _____

Date: _____

WATER RESOURCES OFFICES

BILLINGS: AIRPORT INDUSTRIAL PARK, 1371 RIMTOP DR., BILLINGS MT 59105-1978
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MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION **Water Resources Division - Water Rights Bureau**

WEBSITE: <http://dnrc.mt.gov/wrd/>

EXISTING LEGAL DEMANDS INDEX: <http://nris.mt.gov/dnrc/waterrights/default.aspx>

